

Senate Chamber, Atlanta, Georgia
Wednesday, March 2, 2005
Twenty-sixth Legislative Day

The Senate met pursuant to adjournment at 1:00 p.m. today and was called to order by the President.

Senator Stephens of the 27th reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

The following messages were received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

The House has passed by the requisite constitutional majority the following Bills of the House and Senate:

HB 381. By Representatives Bridges of the 10th and Cummings of the 16th:

A BILL to be entitled an Act to amend Code Section 47-2-121 of the Official Code of Georgia Annotated, relating to optional retirement allowances, so as to make technical corrections of certain conflicting provisions; to repeal conflicting laws; and for other purposes.

HB 460. By Representative Bridges of the 10th:

A BILL to be entitled an Act to amend Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, so as to make numerous changes throughout said title to ensure that Georgia's public retirement systems are in compliance with the federal Internal Revenue Code and regulations promulgated thereunder; to repeal conflicting laws; and for other purposes.

HB 522. By Representatives Manning of the 32nd, Tumlin of the 38th, Setzler of the 35th, Johnson of the 37th and Ehrhart of the 36th:

A BILL to be entitled an Act to amend an Act creating the Cobb County-Marietta Water Authority, approved February 21, 1951 (Ga. L. 1951, p.

497), as amended, particularly by an Act approved March 28, 1986 (Ga. L. 1986, p. 5296), so as to amend certain provisions relating to the immunity of the authority; to repeal conflicting laws; and for other purposes.

HB 579. By Representative Cheokas of the 134th:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Marion County, approved February 21, 1951 (Ga. L. 1951, p. 2880), as amended, so as to change the compensation of the chairperson and members of the board of commissioners; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 581. By Representative Butler of the 18th:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Bremen, approved December 30, 1898 (Ga. L. 1898, p. 136), as amended, particularly by an Act approved March 22, 1990 (Ga. L. 1990, p. 4406), so as to provide that the Bremen City Board of Education shall have sole authority to set, approve, and amend its budget; to provide taxing authority; to vest title of certain property in the board of education; to provide a joint review committee with the board of education and the board of commissioners; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 583. By Representative Mosley of the 178th:

A BILL to be entitled an Act to amend an Act to provide a new charter for the City of Patterson in the County of Pierce, approved April 9, 1981 (Ga. L. 1981, p. 4545), as amended, so as to reduce the number of members of the city council from six to five members; to provide for the time and manner of election of the mayor and council; to provide for the terms of the mayor and council; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 585. By Representatives Houston of the 170th and Shaw of the 176th:

A BILL to be entitled an Act to create a board of elections and registration for Berrien County and to provide for its powers and duties; to provide for definitions; to provide for the composition of the board and the selection and appointment of members; to provide for the qualification, terms, and removal of members; to provide for oaths and privileges; to provide for meetings, procedures, and vacancies; to relieve certain officers of powers and duties and to provide for the transfer of functions to the newly created

board; to provide for certain expenditures of public funds; to provide for compensation of members of the board and personnel; to provide for offices and equipment; to provide for the board's performance of certain functions and duties for certain municipalities; to provide for related matters; to provide effective dates; to repeal conflicting laws; and for other purposes.

HB 587. By Representative Roberts of the 154th:

A BILL to be entitled an Act to provide that future elections for the office of chief magistrate of Irwin County shall be nonpartisan elections; to provide for submission of this Act under the federal Voting Rights Act of 1965, as amended; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 588. By Representative Roberts of the 154th:

A BILL to be entitled an Act to provide that future elections for the office of probate judge of Irwin County shall be nonpartisan elections; to provide for submission of this Act under the federal Voting Rights Act of 1965, as amended; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 590. By Representatives Fludd of the 66th, Lakly of the 72nd, Abdul-Salaam of the 74th, Jordan of the 77th and Yates of the 73rd:

A BILL to be entitled an Act to provide for a homestead exemption from City of Peachtree City ad valorem taxes for municipal purposes in the amount of \$5,000.00 of the assessed value of the homestead for residents of that city who are 65 years of age or over and whose income does not exceed \$30,000.00; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

HB 595. By Representatives Millar of the 79th, Jacobs of the 80th, Drenner of the 86th, Chambers of the 81st, Henson of the 87th and others:

A BILL to be entitled an Act to provide for a homestead exemption from certain DeKalb County ad valorem taxes for county purposes in an amount equal to the amount by which the current year assessed value of a homestead exceeds the base year assessed value of such homestead; to provide for definitions; to specify the terms and conditions of the

exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

HB 598. By Representatives Ray of the 136th and James of the 135th:

A BILL to be entitled an Act to provide that future elections for the office of probate judge of Peach County shall be nonpartisan elections; to provide for submission of this Act under the federal Voting Rights Act of 1965, as amended; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

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HB 601. By Representatives Channell of the 116th and Fleming of the 117th:

A BILL to be entitled an Act to amend an Act providing an annual salary for the Wilkes County coroner, approved March 13, 1978 (Ga. L. 1978, p. 3121), as amended, particularly by an Act approved April 4, 1997 (Ga. L. 1997, p. 3919), so as to increase the salary of the coroner; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 603. By Representative Channell of the 116th:

A BILL to be entitled an Act to amend an Act to provide a new charter for the City of Greensboro, approved March 16, 1978 (Ga. L. 1978, p. 3932), as amended, so as to annex certain property and land into the corporate limits of the City of Greensboro; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 612. By Representative Hudson of the 124th:

A BILL to be entitled an Act to provide that future elections for the office of probate judge of Warren County shall be nonpartisan elections held at the time of certain general primary elections; to provide for submission of

this Act under the federal Voting Rights Act of 1965, as amended; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 615. By Representative McCall of the 30th:

A BILL to be entitled an Act to amend an Act providing for a Board of Commissioners for the County of Elbert, approved February 27, 1875 (Ga. L. 1875, p. 253), as amended, particularly by an Act approved September 5, 1991 (Ga. L. 1991 Ex Sess., p. 370), so as to change provisions relating to the election and powers of the chairperson of the board of commissioners; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 48. By Senators Smith of the 52nd, Thomas of the 54th, Mullis of the 53rd, Tolleson of the 20th and Rogers of the 21st:

A BILL to be entitled an Act to state a general intent to eliminate the future "sunset" of certain provisions relating to renal disease facilities; to provide that provisions of the Official Code of Georgia Annotated relating to renal disease facilities which were in effect and applicable on January 1, 2005, shall remain in effect and applicable until and unless changed by future Act of the General Assembly; to amend an Act amending Title 31 of the O.C.G.A., relating to health, which Act was approved April 20, 2000 (Ga. L. 2000, p. 526); to amend Code Section 31-44-3 of the O.C.G.A., so as to revise certain provisions relating to membership on the Renal Dialysis Advisory Council; to provide for related matters; to repeal conflicting laws; and for other purposes.

The House has adopted by the requisite constitutional majority the following Resolution of the House:

HR 142. By Representatives Smith of the 131st, Smith of the 129th, Buckner of the 130th, Reece of the 11th, Crawford of the 127th and others:

A RESOLUTION requesting that the Committee on the Implementation of Textile Agreements approve the safeguard petitions filed by the United States textile industry; and for other purposes.

Mr. President:

The House has passed by the requisite constitutional majority the following Bill of the Senate:

SB 82. By Senators Hamrick of the 30th, Schaefer of the 50th, Hudgens of the 47th, Cagle of the 49th, Shafer of the 48th and others:

A BILL to be entitled an Act to amend Chapter 1 of Title 7 of the Official Code of Georgia Annotated, relating to financial institutions, so as to supplement definitions relating to financial institutions; to define time parameters for meeting notices; to implement personnel policies; to promulgate regulations promoting parity with federal financial institutions; to prohibit certain persons from participating in financial institutions; to allow Georgia and federal courts access to financial information; to lengthen the time for closure of stock transfer books; to protect the shareholders during bank conversions, mergers, and consolidations; to require notice to the department when articles are amended; to update the financial requirements for licensure of mortgage brokers; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following communication was received by the Secretary:

Senator Eric Johnson
District 1
321 State Capitol
Atlanta, GA 30334

Committees:

Appropriations
Ethics
Finance
Natural Resources and the Environment
Regulated Industries and Utilities
Rules

The State Senate
Atlanta, Georgia 30334

March 1, 2005

Honorable Frank Eldridge, Jr.
Secretary of the Senate
353 State Capitol
Atlanta, Georgia 30334

Dear Frank:

The Committee on Assignments has appointed Senator Cecil Staton as an ex-officio member of the Senate Appropriations Committee for the 2005-2006 legislative term.

If you have any questions, please feel free to call me or my chief of staff, Amanda Seals, at 404.656.5109.

Sincerely,

/s/ Eric Johnson
Senate President Pro Tempore

The following Senate legislation was introduced, read the first time and referred to committee:

SB 276. By Senator Wiles of the 37th:

A BILL to be entitled an Act to amend Part 1 of Article 11 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to powers of local boards of education relative to public school property and facilities, so as to provide that a local board of education shall not exercise the power of condemnation if another appropriate parcel or parcels of private property located within three miles is for sale for purchase outright; to provide for procedures which shall be followed by a local board of education before exercising the right of eminent domain; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations (General) Committee.

SB 277. By Senators Cagle of the 49th, Pearson of the 51st and Hudgens of the 47th:

A BILL to be entitled an Act to amend Article 9 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated, the "Georgia Hazardous Site Reuse and Redevelopment Act," so as to change certain provisions relating to definitions; to provide that certain persons who purchased property after July 1, 2002, and before January 1, 2005, shall be treated as prospective purchasers for purposes of said Act; to repeal conflicting laws; and for other purposes.

Referred to the Natural Resources and the Environment Committee.

SB 278. By Senators Jones of the 10th, Starr of the 44th and Douglas of the 17th:

A BILL to be entitled an Act to provide for the Henry County Board of Elections and Registration; to provide for the board as a successor to the boards created under prior law; to provide for the powers and duties of the board; to provide for the appointment, resignation, and removal of its members; to

provide an administrative office for elections and registrations; to staff such office with an administrative director, clerical assistants, and other employees; to provide compensation for administrative personnel and members of the board; to terminate the former board of elections and board of registrars; to repeal a specific Act; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

SB 279. By Senators Mullis of the 53rd, Moody of the 56th, Pearson of the 51st, Carter of the 13th and Goggans of the 7th:

A BILL to be entitled an Act to amend Code Section 21-5-70 of the Official Code of Georgia Annotated, relating to definitions relative to lobbyist disclosure, so as to include certain print, radio, and television reporters and journalists within the definition of lobbyist; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Ethics Committee.

SB 281. By Senator Rogers of the 21st:

A BILL to be entitled an Act to amend Code Section 49-5-281 of the Official Code of Georgia Annotated, relating to a bill of rights for foster parents, so as to provide that a foster parent or parents shall have the right to hire independent legal counsel for representation in a grievance process; to provide for construction; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Health and Human Services Committee.

SB 282. By Senators Williams of the 19th, Seabaugh of the 28th and Balfour of the 9th:

A BILL to be entitled an Act to amend the O.C.G.A., and in particular Title 28, relating to the General Assembly, so as to recognize and accomplish certain changes in the organization of the legislative branch of government; to change provisions relating to the Legislative Services Committee, including provisions relating to the membership, powers and duties, and operations of the committee; to abolish the Legislative Budget Office and the position of legislative budget analyst; to change provisions relating to the Fiscal Affairs

Subcommittees and their membership and meetings; to change provisions relative to the procedure for consideration of bills having a significant impact on state revenues or expenditures; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations (General) Committee.

SB 283. By Senators Bulloch of the 11th and Williams of the 19th:

A BILL to be entitled an Act to amend Part 3 of Article 3 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to submerged cultural resources, so as to change certain provisions relating to permits and authorization to contract for investigation, survey, or recovery operations and renewal and revocation of permits; to provide that the Department of Natural Resources shall establish a program to authorize deadhead logging operations in certain locations and under certain conditions; to provide for administration of such a program; to define certain terms; to provide for automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Natural Resources and the Environment Committee.

SB 284. By Senators Seabaugh of the 28th and Balfour of the 9th:

A BILL to be entitled an Act to amend Chapter 18 of Title 45, relating to employees' insurance and benefits plans, so as to create a trust fund to provide for retiree post-employment health care benefits; to provide for definitions; to provide for the powers and duties of the board and commissioner of community health; to provide for actuarial services; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Insurance and Labor Committee.

SB 285. By Senator Rogers of the 21st:

A BILL to be entitled an Act to amend Article 6 of Chapter 8 of Title 46 of the Official Code of Georgia Annotated, relating to operation of trains generally, so as to remove certain provisions relating to employees engaged in the operation of trains and relating to signal whistles and lights on trains; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Transportation Committee.

SB 286. By Senator Hudgens of the 47th:

A BILL to be entitled an Act to amend Article 1 of Chapter 20 of Title 45 of the Official Code of Georgia Annotated, relating to the state merit system of personnel administration in general, so as to repeal provisions relating to optional coverage of legislative branch employees under the classified service of the state merit system; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Insurance and Labor Committee.

SB 287. By Senator Heath of the 31st:

A BILL to be entitled an Act to amend Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling and trade practices, so as to repeal provisions which provide that local government permits are required for the operation of movie theaters and athletic events to be held on Sundays; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations (General) Committee.

SB 288. By Senators Rogers of the 21st and Hamrick of the 30th:

A BILL to be entitled an Act to amend Article 17 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to teachers and other school personnel, so as to enact the "Grade Integrity Act of 2005"; to provide that no classroom teacher shall be required, coerced, intimidated, or disciplined in any manner to change the grade of a student; to provide for an ethical violation reportable to the Professional Standards Commission; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Education and Youth Committee.

SB 289. By Senator Whitehead, Sr. of the 24th:

A BILL to be entitled an Act to amend Chapter 1 of Title 2 of the Official Code of Georgia Annotated, relating to agriculture in general, so as to repeal Code Section 2-1-3, relating to Sunday sales of farm products, plants, and seed; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Agriculture and Consumer Affairs Committee.

SB 290. By Senator Bulloch of the 11th:

A BILL to be entitled an Act to amend Part 1 of Article 3 of Chapter 4 of Title 10, relating to leaf tobacco sales and storage, so as to repeal Code Section 10-4-114.1, relating to grading of leaf tobacco by the Agriculture Marketing Service and alternatives if graders are unavailable; to repeal conflicting laws; and for other purposes.

Referred to the Agriculture and Consumer Affairs Committee.

SB 291. By Senator Heath of the 31st:

A BILL to be entitled an Act to amend Article 1 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to general provisions relative to ad valorem taxation of property, so as to change certain provisions relating to returns of real property and tangible personal property located on airports; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

Referred to the Finance Committee.

SB 292. By Senator Mullis of the 53rd:

A BILL to be entitled an Act to amend Code Section 44-5-168 of the Official Code of Georgia Annotated, relating to adverse possession of mineral rights, so as to provide for the automatic reversion of mineral rights to the fee owner of the real property if the owner of the mineral rights has not worked or attempted to work the mineral rights nor paid any taxes due on such mineral rights for a period in the immediately preceding 20 years; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Natural Resources and the Environment Committee.

SB 293. By Senator Mullis of the 53rd:

A BILL to be entitled an Act to amend Code Section 43-18-41 of the Official Code of Georgia Annotated, relating to qualifications of embalmer and funeral director applicants, so as to authorize the State Board of Funeral Service to waive the requirement that applicants for funeral director licenses be licensed embalmers under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Regulated Industries and Utilities Committee.

SB 294. By Senators Pearson of the 51st and Miles of the 43rd:

A BILL to be entitled an Act to amend Code Section 12-6-24 of the Official Code of Georgia Annotated, relating to county and municipal regulation of timber harvesting, so as to provide for additional limitations regarding tree ordinances; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Natural Resources and the Environment Committee.

SR 301. By Senators Shafer of the 48th, Rogers of the 21st, Staton of the 18th, Cagle of the 49th, Chance of the 16th and others:

A RESOLUTION urging the Congressional Delegation of the State of Georgia to work to pass social security personal retirement accounts; and for other purposes.

Referred to the Insurance and Labor Committee.

SR 302. By Senators Shafer of the 48th, Rogers of the 21st, Staton of the 18th, Cagle of the 49th, Weber of the 40th and others:

A RESOLUTION urging the Congressional Delegation of the State of Georgia to work to abolish the death tax permanently; and for other purposes.

Referred to the Finance Committee.

SR 303. By Senators Shafer of the 48th, Rogers of the 21st, Staton of the 18th, Cagle of the 49th, Weber of the 40th and others:

A RESOLUTION urging the United States Senators of the State of Georgia to support the President's nominees to the United States Supreme Court; and for other purposes.

Referred to the Judiciary Committee.

SR 304. By Senators Johnson of the 1st, Williams of the 19th and Kemp of the 46th:

A RESOLUTION honoring the memory of Trooper Ronnie O'Neal and

Georgia's troopers who have died in the line of duty and dedicating the Fallen Troopers Memorial Highway and the Trooper Ronnie O'Neal Overpass; and for other purposes.

Referred to the Transportation Committee.

SR 305. By Senators Johnson of the 1st and Chapman of the 3rd:

A RESOLUTION recognizing Mack Mattingly for his many contributions to the State of Georgia and dedicating a portion of I-95 in Glynn County as the "Mack Mattingly Highway"; and for other purposes.

Referred to the Transportation Committee.

The following House legislation was read the first time and referred to committee:

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A BILL to be entitled an Act to amend Code Section 47-2-121 of the Official Code of Georgia Annotated, relating to optional retirement allowances, so as to make technical corrections of certain conflicting provisions; to repeal conflicting laws; and for other purposes.

Referred to the Retirement Committee.

HB 460. By Representative Bridges of the 10th:

A BILL to be entitled an Act to amend Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, so as to make numerous changes throughout said title to ensure that Georgia's public retirement systems are in compliance with the federal Internal Revenue Code and regulations promulgated thereunder; to repeal conflicting laws; and for other purposes.

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5296), so as to amend certain provisions relating to the immunity of the authority; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 579. By Representative Cheokas of the 134th:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Marion County, approved February 21, 1951 (Ga. L. 1951, p. 2880), as amended, so as to change the compensation of the chairperson and members of the board of commissioners; to provide an effective date; to repeal conflicting laws; and for other purposes.

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Referred to the State and Local Governmental Operations Committee.

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Referred to the State and Local Governmental Operations Committee.

HB 590. By Representatives Fludd of the 66th, Lakly of the 72nd, Abdul-Salaam of the 74th, Jordan of the 77th and Yates of the 73rd:

A BILL to be entitled an Act to provide for a homestead exemption from City of Peachtree City ad valorem taxes for municipal purposes in the amount of \$5,000.00 of the assessed value of the homestead for residents of that city who

are 65 years of age or over and whose income does not exceed \$30,000.00; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 595. By Representatives Millar of the 79th, Jacobs of the 80th, Drenner of the 86th, Chambers of the 81st, Henson of the 87th and others:

A BILL to be entitled an Act to provide for a homestead exemption from certain DeKalb County ad valorem taxes for county purposes in an amount equal to the amount by which the current year assessed value of a homestead exceeds the base year assessed value of such homestead; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 598. By Representatives Ray of the 136th and James of the 135th:

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Referred to the State and Local Governmental Operations Committee.

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Referred to the State and Local Governmental Operations Committee.

HB 601. By Representatives Channell of the 116th and Fleming of the 117th:

A BILL to be entitled an Act to amend an Act providing an annual salary for the Wilkes County coroner, approved March 13, 1978 (Ga. L. 1978, p. 3121), as amended, particularly by an Act approved April 4, 1997 (Ga. L. 1997, p. 3919), so as to increase the salary of the coroner; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 603. By Representative Channell of the 116th:

A BILL to be entitled an Act to amend an Act to provide a new charter for the City of Greensboro, approved March 16, 1978 (Ga. L. 1978, p. 3932), as amended, so as to annex certain property and land into the corporate limits of the City of Greensboro; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 612. By Representative Hudson of the 124th:

A BILL to be entitled an Act to provide that future elections for the office of probate judge of Warren County shall be nonpartisan elections held at the time of certain general primary elections; to provide for submission of this Act under the federal Voting Rights Act of 1965, as amended; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 615. By Representative McCall of the 30th:

A BILL to be entitled an Act to amend an Act providing for a Board of Commissioners for the County of Elbert, approved February 27, 1875 (Ga. L. 1875, p. 253), as amended, particularly by an Act approved September 5, 1991 (Ga. L. 1991 Ex Sess., p. 370), so as to change provisions relating to the election and powers of the chairperson of the board of commissioners; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HR 142. By Representatives Smith of the 131st, Smith of the 129th, Buckner of the 130th, Reece of the 11th, Crawford of the 127th and others:

A RESOLUTION requesting that the Committee on the Implementation of Textile Agreements approve the safeguard petitions filed by the United States textile industry; and for other purposes.

Referred to the Economic Development Committee.

The following committee reports were read by the Secretary:

Mr. President:

The Appropriations Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 154	Do Pass
SB 254	Do Pass
SR 38	Do Pass

Respectfully submitted,
Senator Hill of the 4th District, Chairman

Mr. President:

The Finance Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

HB 203	Do Pass
HB 282	Do Pass
SB 194	Do Pass

Respectfully submitted,
Senator Cagle of the 49th District, Chairman

Mr. President:

The Health and Human Services Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

HB 197	Do Pass	SB 156	Do Pass
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SB 123 Do Pass by substitute SR 294 Do Pass

Respectfully submitted,
Senator Thomas of the 54th District, Chairman

Mr. President:

The Higher Education Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 43 Do Pass by substitute

Respectfully submitted,
Senator Harp of the 29th District, Chairman

Mr. President:

The Insurance and Labor Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 102	Do Pass	SB 225	Do Pass
SB 174	Do Pass by substitute	SR 100	Do Pass
SB 200	Do Pass		

Respectfully submitted,
Senator Hudgens of the 47th District, Chairman

Mr. President:

The Judiciary Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 30	Do Pass	SB 238	Do Pass by substitute
SB 135	Do Pass	SB 253	Do Pass by substitute
SB 203	Do Pass by substitute		

Respectfully submitted,
Senator Smith of the 52nd District, Chairman

Mr. President:

The Natural Resources and the Environment Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 201	Do Pass by substitute
SB 206	Do Pass by substitute

Respectfully submitted,
Senator Tolleson of the 20th District, Chairman

Mr. President:

The Public Safety and Homeland Security Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 27	Do Pass by substitute	SB 255	Do Pass
SB 28	Do Pass by substitute	SB 257	Do Pass
SB 178	Do Pass	SB 259	Do Pass
SB 226	Do Pass by substitute	SB 273	Do Pass
SB 239	Do Pass		

Respectfully submitted,
Senator Kemp of the 46th District, Chairman

Mr. President:

The Reapportionment and Redistricting Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 214	Do Pass by substitute
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Respectfully submitted,
Senator Rogers of the 21st District, Chairman

Mr. President:

The Regulated Industries and Utilities Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 274 Do Pass by substitute
SR 298 Do Pass as amended

Respectfully submitted,
Senator Seabaugh of the 28th District, Chairman

Mr. President:

The Rules Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SR 124 Do Pass

Respectfully submitted,
Senator Balfour of the 9th District, Chairman

Mr. President:

The Special Judiciary Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 216 Do Pass

Respectfully submitted,
Senator Adelman of the 42nd District, Vice-Chairman

Mr. President:

The State Institutions and Property Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 182 Do Pass by substitute

Respectfully submitted,
Senator Thomas of the 2nd District, Chairman

Mr. President:

The State and Local Governmental Operations Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

HB 409 Do Pass

HB 413 Do Pass

HB 410	Do Pass	HB 414	Do Pass
HB 411	Do Pass	SB 15	Do Pass
HB 412	Do Pass	SB 185	Do Pass

Respectfully submitted,
 Senator Wiles of the 37th District, Chairman

The following legislation was read the second time:

HB 155	HB 319	SB 74	SB 136	SB 161	SB 230
HB 188	SB 1	SB 84	SB 139	SB 227	SR 213

The members pledged allegiance to the flag.

Senator Zamarripa of the 36th introduced the chaplain of the day, Reverend Gary W. Charles of Atlanta, Georgia, who offered scripture reading and prayer.

Senator Stephens of the 27th asked unanimous consent that the call of the roll be dispensed with. The consent was granted, and the roll call was dispensed with.

Senator Brown of the 26th introduced the doctor of the day, Dr. Cyler Garner.

The following resolutions were read and adopted:

SR 306. By Senators Staton of the 18th and Tolleson of the 20th:

A RESOLUTION expressing regret at the passing of James S. Mason; and for other purposes.

SR 307. By Senators Butler of the 55th, Miles of the 43rd, Seay of the 34th, Thomas of the 2nd and Tate of the 38th:

A RESOLUTION commending The Links, Inc. and its Links Day at the Capitol; and for other purposes

SR 308. By Senators Wiles of the 37th, Rogers of the 21st, Hill of the 32nd, Shafer of the 48th, Chance of the 16th and others:

A RESOLUTION honoring the memory of Col. William G. Gustafson, USA (Ret.), and expressing regret at his passing; and for other purposes.

SR 309. By Senators Jones of the 10th and Reed of the 35th:

A RESOLUTION commending the founding and achievements of the Stockbridge-Jonesboro Alumni Chapter of Kappa Alpha Psi Fraternity, Inc.; and for other purposes.

SR 310. By Senator Williams of the 19th:

A RESOLUTION honoring the First Baptist Church of Baxley on its 125th Anniversary; and for other purposes.

SR 311. By Senators Hamrick of the 30th, Seabaugh of the 28th and Seay of the 34th:

A RESOLUTION commending the Carrollton High School Competitive Cheerleading Squad and its coaches on their Class AAA State Championship; and for other purposes.

SR 312. By Senator Hooks of the 14th:

A RESOLUTION remembering and honoring the life of Mayor Augustus Pou "Gus" Persons III; and for other purposes.

SR 313. By Senator Tolleson of the 20th:

A RESOLUTION declaring Saturday, March 26, 2005, Georgia State Air Show Day at the Heart of Georgia Regional Airport in Eastman, Georgia; and for other purposes.

SR 314. By Senators Rogers of the 21st and Shafer of the 48th:

A RESOLUTION recognizing Health Care Decisions Week in Georgia; and for other purposes.

SR 315. By Senators Harp of the 29th and Smith of the 52nd:

A RESOLUTION recognizing and commending Beverly Padgett; and for other purposes.

SR 316. By Senators Harp of the 29th and Goggans of the 7th:

A RESOLUTION commending Candice Walker; and for other purposes.

SR 317. By Senator Tate of the 38th:

A RESOLUTION commending Jeanne Scher as the Distinguished Senior Georgian for 2005; and for other purposes.

SR 318. By Senators Cagle of the 49th, Thomas of the 54th and Kemp of the 46th:

A RESOLUTION honoring the Georgia Family Council; and for other purposes.

SR 319. By Senator Mullis of the 53rd:

A RESOLUTION honoring and congratulating Mr. James Raymond Southerland and Mrs. Rachel Southerland on the occasion of their 50th wedding anniversary; and for other purposes.

SR 320. By Senators Shafer of the 48th, Zamarripa of the 36th, Thomas of the 54th, Harp of the 29th, Pearson of the 51st and others:

A RESOLUTION commending the American Red Cross and proclaiming March, 2005, American Red Cross Month; and for other purposes.

Senator Shafer of the 48th recognized representatives of the American Red Cross, commended by SR 320, adopted previously.

Senator Hamrick of the 30th asked unanimous consent that the following bill be withdrawn from the Senate Judiciary Committee and committed to the Senate State and Local Governmental Operations Committee:

SB 235. By Senators Hamrick of the 30th and Reed of the 35th:

A BILL to be entitled an Act to amend an Act to create a new judicial circuit for the State of Georgia, to be known as the Douglas Judicial Circuit, to be composed of the County of Douglas, approved March 20, 1980 (Ga. L. 1980, p. 563), as amended, so as to provide for the employment by the district attorney with the approval of the board of commissioners of certain personnel; to provide that investigators employed by the district attorney shall have the powers of peace officers and shall be qualified as peace officers; to provide for related matters; to provide for applicability and automatic termination of such provision; to repeal conflicting laws; and for other purposes.

The consent was granted, and SB 235 was committed to the Senate State and Local Governmental Operations Committee.

Senator Williams of the 19th asked unanimous consent that Senator Bulloch of the 11th be excused. The consent was granted, and Senator Bulloch was excused.

Senator Rogers of the 21st asked unanimous consent that Senator Tolleson of the 20th be excused. The consent was granted, and Senator Tolleson was excused.

The following local, uncontested legislation, favorably reported by the committee as listed on the Local Consent Calendar, was put upon its passage:

SENATE LOCAL CONSENT CALENDAR

Wednesday, March 2, 2005
Twenty-sixth Legislative Day

(The names listed are the Senators whose districts are affected by the legislation.)

SB 15 Thompson of the 5th
 Balfour of the 9th
 Weber of the 40th
 Henson of the 41st
 Unterman of the 45th
 Shafer of the 48th
 Butler of the 55th
GWINNETT COUNTY

A BILL to be entitled an Act to authorize Gwinnett County to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII(b) of the Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as amended; to provide for a referendum; to provide effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

SB 185 Thompson of the 5th
 Balfour of the 9th
 Weber of the 40th
 Henson of the 41st
 Unterman of the 45th
 Shafer of the 48th
 Butler of the 55th
GWINNETT JUDICIAL CIRCUIT

A BILL to be entitled an Act to amend an Act creating the Gwinnett Judicial Circuit and providing for its powers, duties, jurisdiction, and officers, approved February 12, 1960 (Ga. L. 1960, p. 110), as amended, particularly by an Act approved April 13, 2001 (Ga. L. 2001, p. 4295), so as to change provisions relating to the salary supplements for the judges of the Gwinnett Judicial Circuit; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 409

Pearson of the 51st
LUMPKIN COUNTY

A BILL to be entitled an Act to amend an Act creating the board of commissioners of Lumpkin County, approved April 13, 2001 (Ga. L. 2001, p. 4272), as amended, so as to change certain provisions requiring sealed bids for certain purchases; to repeal conflicting laws; and for other purposes.

HB 410

Pearson of the 51st
LUMPKIN COUNTY

A BILL to be entitled an Act to amend an Act placing the tax commissioner of Lumpkin County upon an annual salary, approved April 3, 1972 (Ga. L. 1972, p. 3854), as amended, so as to change the provisions relating to the compensation of the tax commissioner; to repeal conflicting laws; and for other purposes.

HB 411

Pearson of the 51st
LUMPKIN COUNTY

A BILL to be entitled an Act to amend an Act placing the Clerk of the Superior Court and the Judge of the Probate Court of Lumpkin County upon an annual salary, approved April 3, 1972 (Ga. L. 1972, p. 3851), as amended, so as to change the provisions relating to the compensation of the clerk of the superior court and the judge of the probate court; to repeal conflicting laws; and for other purposes.

HB 412

Pearson of the 51st
LUMPKIN COUNTY

A BILL to be entitled an Act to amend an Act placing the Sheriff of Lumpkin County upon an annual salary, approved February 28, 1966 (Ga. L. 1966, p. 2469), as amended, so as to change the provisions

relating to the compensation of the sheriff; to repeal conflicting laws; and for other purposes.

HB 413

Pearson of the 51st
LUMPKIN COUNTY

A BILL to be entitled an Act to authorize the Probate Court of Lumpkin County to charge a technology fee for each criminal fine imposed; to specify the uses to which said technology fees may be put; to provide for review and reports; to provide for adjustment of such fee; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 414

Pearson of the 51st
LUMPKIN COUNTY

A BILL to be entitled an Act to authorize the Magistrate Court of Lumpkin County to charge a technology fee for each civil case filed and criminal fine imposed; to specify the uses to which said technology fees may be put; to provide for review and reports; to provide for adjustment of such fee; to provide an effective date; to repeal conflicting laws; and for other purposes.

The report of the committee, which was favorable to the passage of the local legislation as reported, was agreed to.

On the passage of the legislation, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
Y Brown	Hooks	Y Staton
E Bulloch	Y Hudgens	Stephens
Y Butler	Johnson	Y Stoner
Y Cagle	Y Jones	Y Tate
Y Carter	Y Kemp	Y Thomas,D
Y Chance	Y Me V Bremen	Y Thomas,R
Y Chapman	Y Miles	Y Thompson,C
Y Douglas	Y Moody	Y Thompson,S
Y Fort	Y Mullis	E Tolleson
Y Goggans	Y Pearson	Y Unterman
Y Golden	Y Powell	Y Walker
Y Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead

Y Harbison
Y Harp
Y Heath
Y Henson

Y Schaefer
Y Seabaugh
Y Seay
Y Shafer,D

Y Wiles
Y Williams
Y Zamarripa

On the passage of the local legislation, the yeas were 51, nays 0.

The legislation on the Local Consent Calendar, having received the requisite constitutional majority, was passed.

SENATE RULES CALENDAR
WEDNESDAY, MARCH 2, 2005
TWENTY-SIXTH LEGISLATIVE DAY

SB 122	Tire Disposal; extend collection of fees (Substitute)(NR&E-24th)
SB 209	Public Service Commission; change time period for issuance; gas supply plan (RI&Util-6th)
SB 91	Physically Impaired; audible access; authorize Public Service Commission; establish guidelines/ funding for system. (RI&Util-42nd)
SB 158	State Space Management Act; repeal; transfer duties, powers (Amendment)(SI&P-24th)
SB 119	Sponge Crabs; possess/offer for sale; postpone dates of certain provisions (NR&E-3rd)
SB 210	Public Service Commission; superior court filing; provide venue, judgement (RI&Util-6th)
SB 64	Law Enforcement Motor Vehicles; blue lights on roof; enforce requirement (Substitute)(PS&HS-17th)

Respectfully submitted,

/s/ Balfour of the 9th, Chairman
Senate Rules Committee

The following legislation was read the third time and put upon its passage:

SB 122. By Senators Whitehead, Sr. of the 24th, Grant of the 25th and Cagle of the 49th:

A BILL to be entitled an Act to amend Part 1 of Article 2 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to solid waste management generally, so as to extend the collection of tire disposal fees; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The Senate Natural Resources and the Environment Committee offered the following substitute to SB 122:

A BILL TO BE ENTITLED
AN ACT

To amend Part 1 of Article 2 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to general provisions relative to solid waste management, so as to change certain provisions relating to general provisions relative to solid waste management; to change certain provisions relating to declaration of policy and legislative intent; to change certain provisions relating to definitions; to change certain provisions relating to permits for solid waste or special solid waste handling, disposal, or thermal treatment technology facilities and inspection of solid waste generators; to change certain provisions local, multijurisdictional, or regional solid waste plans; to change certain provisions relating to limits on the number of solid waste facilities within a given area; to change certain provisions relating to tire disposal restrictions; to change certain provisions relating to yard trimming disposal restrictions; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 1 of Article 2 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to general provisions relative to solid waste management, is amended by striking subsection (a) of Code Section 12-8-21, relating to declaration of policy and legislative intent, and inserting in lieu thereof the following:

"(a) It is declared to be the policy of the State of Georgia, in furtherance of its responsibility to protect the public health, safety, and well-being of its citizens and to protect and enhance the quality of its environment, to institute and maintain a comprehensive state-wide program for solid waste management ~~which will and to prevent and abate litter, so as to~~ assure that solid waste ~~facilities, whether publicly or privately operated, do~~ does not adversely affect the health, safety, and well-being of the public and that solid waste facilities, whether publicly or privately owned, do not degrade the quality of the environment by reason of their location, design, method of

operation, or other means and which, to the extent feasible and practical, makes maximum utilization of the resources contained in solid waste."

SECTION 2.

Said part is further amended by striking subsection (c) of Code Section 12-8-21, relating to declaration of policy and legislative intent, and inserting in lieu thereof the following:

"(c) It is the intent of the General Assembly that every effort be undertaken to reduce on a state-wide per capita basis the amount of municipal solid waste being received at disposal facilities ~~during fiscal year 1992 by 25 percent by July 1, 1996; provided, however, that counties and municipalities that establish an annual measurement of municipal solid waste being received at disposal facilities prior to the end of fiscal year 1992 shall be given credit for reductions achieved based on that measurement period prior to fiscal year 1992; provided, further, that municipal solid waste received at any waste to energy facility which was in operation on January 1, 1991, is exempted from this subsection.~~"

SECTION 3.

Said part is further amended in Code Section 12-8-22, relating to definitions, by inserting a new paragraph to read as follows:

"(5.1) 'Construction or demolition waste' means waste building materials and rubble resulting from construction, remodeling, repair, or demolition operations on pavements, houses, commercial buildings, and other structures. Such waste includes but is not limited to waste containing asbestos, wood, bricks, metal, concrete, wallboard, paper, cardboard, and other nonputrescible wastes associated with construction and demolition activities which have a low potential for ground-water contamination. Inert waste landfill materials approved by the board for disposal in landfills permitted by rule and regulation are also included in this definition if disposed in a construction or demolition waste landfill."

SECTION 4.

Said part is further amended by striking paragraph (12) of Code Section 12-8-22, relating to definitions, and inserting in lieu thereof the following:

"(12) 'Hazardous constituent' means any substance listed as a hazardous constituent in regulations promulgated pursuant to the federal act by the administrator of the United States Environmental Protection Agency which are in force and effect on February 1, ~~1992~~ 2004, codified as Appendix VIII to 40 C.F.R. Part 261 — Identification and Listing of Hazardous Waste."

SECTION 5.

Said part is further amended in Code Section 12-8-22, relating to definitions, by inserting a new paragraph to read as follows:

"(15.1) 'Litter' has the meaning provided by Code Section 16-7-42."

SECTION 6.

Said part is further amended by striking paragraph (18) of Code Section 12-8-22, relating to definitions, and inserting in lieu thereof the following:

"(18) 'Municipal solid waste' means any solid waste derived from households, including garbage, trash, and sanitary waste in septic tanks and means solid waste from single-family and multifamily residences, hotels and motels, bunkhouses, campgrounds, picnic grounds, and day use recreation areas. The term includes yard trimmings, construction or demolition waste, and commercial solid waste but does not include solid waste from mining, agricultural, or silvicultural operations or industrial processes or operations."

SECTION 7.

Said part is further amended by striking paragraph (5) of subsection (e) of Code Section 12-8-24, relating to permits for solid waste or special solid waste handling, disposal, or thermal treatment technology facilities and inspection of solid waste generators, and inserting in lieu thereof the following:

"(5) Modifications for vertical expansions issued under this Code section may be restricted in duration, but in no case shall be effective ~~beyond July 1, 1998~~, for municipal solid waste landfills not having liners and leachate collection systems, other than those landfills restricted to construction or demolition waste."

SECTION 8.

Said part is further amended by striking subsection (g) of Code Section 12-8-24, relating to permits for solid waste or special solid waste handling, disposal, or thermal treatment technology facilities and inspection of solid waste generators, and inserting in lieu thereof the following:

"(g) Prior to the issuance of any permit for a solid waste handling facility or the granting of any major modification of an existing solid waste handling permit, the director shall require written verification to be furnished by the applicant that the proposed facility complies with local zoning or land use ordinances, if any; and after July 1, 1992, that the proposed facility is consistent with the local, multijurisdictional, or regional solid waste management plan developed in accordance with standards promulgated pursuant to this part subject to the provisions of Code Section 12-8-31.1 and that the host jurisdiction and all jurisdictions generating solid waste destined for the applicants' facility can demonstrate that they are part of an approved solid waste plan developed in accordance with standards promulgated pursuant to this part ~~and are actively involved in and have a strategy for meeting the state wide goal of waste reduction by July 1, 1996~~. Upon receipt of a permit application, the director shall review the local, multijurisdictional, or regional solid waste management plan to determine if the permit application is fully consistent with the plan. If the director identifies an inconsistency between the permit and the plan, the director shall notify the applicant and shall not act further upon the application until such time as the application

is revised and the director determines the application to be fully consistent with the plan. Prior to the issuance of any permit for a solid waste handling facility or the granting of any major modification of an existing solid waste handling permit that will handle solid waste from jurisdictions outside Georgia, the out-of-state solid waste generating jurisdictions shall provide documentation that they have a strategy for and are actively involved in meeting planning requirements and a waste reduction goal that are substantially equivalent to the planning requirements and waste reduction goal contained in this part."

SECTION 8A.

Said part is further amended in Code Section 12-8-25.4, relating to limits on the number of solid waste facilities within a given area, by adding a new subsection to read as follows:

"(f) Subsection (b) of this Code section shall not apply to any landfill restricted to construction or demolition waste which would otherwise be in compliance with any applicable local ordinances for land use and zoning."

SECTION 9.

Said part is further amended by striking subsection (e) of Code Section 12-8-31.1, relating to local, multijurisdictional, or regional solid waste plans, and inserting in lieu thereof the following:

"(e) ~~After July 1, 1992, no~~ No permit, grant, or loan shall be issued for any municipal solid waste disposal facility or any solid waste handling equipment or recycling equipment used in conjunction therewith in a county or region which is not consistent with a local, multijurisdictional, or regional solid waste management plan. Each application for a permit, grant, or loan ~~issued after July 1, 1992,~~ shall include the following:

- (1) Certification that the facility for which a permit is sought complies with local land use and zoning requirements, if any;
- (2) Verification that the facility for which a permit is sought meets the ten-year capacity needs identified in the local, multijurisdictional, or regional solid waste management plan; and
- (3) Demonstration that the host jurisdiction and all jurisdictions generating solid waste destined for the applicant's facility are part of an approved solid waste management plan developed in accordance with standards promulgated pursuant to this part, ~~and are actively involved in, and have a strategy for, meeting the state wide goal for reduction of solid waste disposal by July 1, 1996.~~

Upon receipt of a permit application, the director shall review the local, multijurisdictional, or regional solid waste management plan to determine if the permit application is fully consistent with the plan. If the director identifies an inconsistency between the permit and the plan, the director shall notify the applicant and shall not act further upon the application until such time as the application is revised and the director

determines the application to be fully consistent with the plan."

SECTION 10.

Said part is further amended by striking subsection (c) of Code Section 12-8-37.1, relating to authorization for state grants, and inserting in lieu thereof the following:

"(c) The corpus of the solid waste trust fund established in Code Section 12-8-27.1 may be used to make grants and loans to cities and counties, any combination of cities and counties, authorities, state agencies, or the Georgia Recycling Market Development Council for the cleanup of solid waste disposal facilities, including those used for the disposal of scrap tires; for the development and implementation of solid waste enforcement programs for the prevention and abatement of illegal dumping of solid waste, including without limitation the prevention and abatement of litter; for the funding of grants or loans, in accordance with procedures developed by the division; for the implementation of innovative technologies for the recycling and reuse of solid waste, including without limitation scrap tires; and for educational and other efforts to promote waste reduction, recycling, and recycling market development."

SECTION 11.

Said part is further amended by striking paragraph (1) of subsection (c) of Code Section 12-8-40.1, relating to tire disposal restrictions, and inserting in lieu thereof the following:

"(c)(1) No person shall collect or transport scrap tires for the purpose of processing or disposal, process scrap tires, or purport to be in the business of ~~collecting or transporting~~ collecting, transporting, or processing scrap tires unless the person has a scrap tire carrier or processor permit issued by the division. For purposes of this paragraph, the term 'process scrap tires' means any method, system, or other treatment designed to change the physical form, size, or chemical content of scrap tires for beneficial use."

SECTION 12.

Said part is further amended by striking paragraph (3) of subsection (h) of Code Section 12-8-40.1, relating to tire disposal restrictions, and inserting in lieu thereof the following:

"(3) The tire fees authorized in this subsection shall cease to be collected on June 30, ~~2005~~ 2008. The director shall make an annual report to the House Committee on Natural Resources and the Environment and the Senate Natural Resources and Environment Committee regarding the status of the ~~scrap tire program~~ activities funded by the solid waste trust fund."

SECTION 13.

Said part is further amended by striking subsection (k) of Code Section 12-8-40.1, relating to tire disposal restrictions, and inserting in lieu thereof the following:

"(k) The director shall be authorized to order the cessation of operation of any scrap tire carrier or processor who is found not to be operating in compliance with this part or

rules adopted pursuant to this part and the seizure of all property used in such unlawful operations; provided, however, that the scrap tire carrier or processor shall be afforded a hearing within 48 hours before an administrative law judge of the Department of Natural Resources upon such order of the director."

SECTION 14.

Said part is further amended by striking subsection (l) of Code Section 12-8-40.1, relating to tire disposal restrictions, and inserting in lieu thereof the following:

"(l)(1) A performance bond or letter of credit shall be provided to the director by a scrap tire carrier or processor prior to issuance of a permit for collecting or processing scrap tires to ensure compliance with the provisions of this part.

(2) The bond or letter of credit required in this subsection shall be:

(A) Conditioned upon compliance with this part, any rules adopted pursuant to this part, and the carrier's or processor's permit; and

(B) In such amount as determined by the director necessary to ensure compliance, ~~but in any event not to exceed \$10,000.00~~ in accordance with rules and regulations promulgated by the board to determine the appropriate amount of financial assurance.

(3) Such performance bond or letter of credit shall be payable to the director and issued by an insurance company authorized to issue such bonds in this state or from a bank or other financial institution authorized to issue irrevocable letters of credit.

(4) Upon a determination by the director that a scrap tire carrier or processor has failed to meet the provisions of this part, rules promulgated pursuant to this part, or its permit, the director may, after written notice of such failure:

(A) Forfeit or draw that amount of such bond or letter of credit that the director determines necessary to correct the violation;

(B) Expend such amount for such purposes; and

(C) Require the replacement of that amount of such bond or letter of credit forfeited or drawn upon.

(5) Any moneys received by the director in accordance with paragraph (4) of this subsection shall be deposited into the solid waste trust fund established in Code Section 12-8-27.1."

SECTION 15.

Said part is further amended by striking subsection (a) of Code Section 12-8-40.2, relating to yard trimming disposal restrictions, and inserting in lieu thereof the following:

"(a) ~~Effective September 1, 1996, each~~ Each city, county, or solid waste management authority shall impose restrictions on yard trimmings which are generated in or may ultimately be disposed of in its area of jurisdiction. These restrictions shall include but are not limited to:

(1) A requirement that yard trimmings not be placed in or mixed with municipal solid waste, except at landfills restricted to construction or demolition waste;

- (2) A ban on the disposal of yard trimmings at municipal solid waste disposal facilities having liners and leachate collection systems or requiring vertical expansion within its jurisdiction;
- (3) A requirement that yard trimmings be sorted and stored for collection in such a manner as to facilitate collection, composting, or other handling; and
- (4) A requirement that yard trimmings be sorted and stockpiled or chipped, composted, used as mulch, or otherwise beneficially reused or recycled to the maximum extent feasible."

SECTION 16.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 17.

All laws and parts of laws in conflict with this Act are repealed.

Senators Fort of the 39th, Jones of the 10th, Tate of the 38th, Seay of the 34th, Brown of the 26th and others offered the following amendment #1:

Amend the Senate Natural Resources and the Environment Committee substitute to SB 122 (LC 25 4006S) by striking lines 8 and 9 of page 1 and inserting in lieu thereof the following:

"multijurisdictional, or regional solid waste plans; to change certain provisions".

By striking Section 8A in its entirety.

On the adoption of the amendment, the yeas were 14, nays 24, and the Fort et al. amendment #1 was lost.

Senator Zamarripa of the 36th offered the following amendment #2:

Amend the Senate Natural Resources and the Environment Committee substitute to SB 122 by striking lines 21 and 22 of page 4 and inserting in lieu thereof the following:

"(f) Subsection (b) of this Code section shall not apply to any closed landfill restricted to construction or demolition waste which has been permitted to reopen and which would otherwise be in compliance with any".

On the adoption of the amendment, the President ordered a roll call, and the vote was as follows:

Y Adelman
N Balfour
Y Brown

N Hill,Jack
N Hill,Judson
Hooks

N Smith
Y Starr
N Staton

E Bulloch	N Hudgens	N Stephens
Y Butler	N Johnson	Y Stoner
N Cagle	Y Jones	Y Tate
N Carter	N Kemp	N Thomas,D
N Chance	Y Me V Bremen	Y Thomas,R
Y Chapman	Y Miles	Y Thompson,C
N Douglas	N Moody	Y Thompson,S
Y Fort	N Mullis	E Tolleson
N Goggans	N Pearson	N Unterman
Y Golden	N Powell	Y Walker
N Grant	Y Reed	N Weber
N Hamrick	N Rogers	N Whitehead
Y Harbison	N Schaefer	N Wiles
N Harp	N Seabaugh	N Williams
N Heath	Y Seay	Y Zamarripa
Y Henson	N Shafer,D	

On the adoption of the amendment, the yeas were 21, nays 32, and the Zamarripa amendment #2 was lost.

Senator Grant of the 25th asked unanimous consent that Senator Hooks of the 14th be excused. The consent was granted, and Senator Hooks was excused.

On the adoption of the substitute, the yeas were 34, nays 4, and the committee substitute was adopted.

The report of the committee, which was favorable to the passage of the bill by substitute, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
N Brown	E Hooks	Y Staton
E Bulloch	Y Hudgens	Y Stephens
N Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	N Tate
Y Carter	Y Kemp	Y Thomas,D
Y Chance	Y Me V Bremen	N Thomas,R
Y Chapman	N Miles	Y Thompson,C
Y Douglas	Y Moody	Y Thompson,S
N Fort	Y Mullis	E Tolleson
Y Goggans	Y Pearson	Y Unterman

Y Golden	Y Powell	N Walker
Y Grant	N Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	N Seay	N Zamarripa
N Henson	Y Shafer,D	

On the passage of the bill, the yeas were 42, nays 11.

SB 122, having received the requisite constitutional majority, was passed by substitute.

Senator Thompson of the 33rd gave notice that at the proper time he would move that the Senate reconsider its action on SB 122.

SB 209. By Senators Stoner of the 6th, Butler of the 55th, Pearson of the 51st and Hill of the 32nd:

A BILL to be entitled an Act to amend Chapter 2 of Title 46 of the Official Code of Georgia Annotated, relating to the Public Service Commission, so as to change the time period for issuance of a commission order after a hearing regarding a gas supply plan and adjustment factors filed by a gas utility; to repeal conflicting laws, and for other purposes.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
Y Brown	E Hooks	Y Staton
E Bulloch	Y Hudgens	Y Stephens
Y Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	Y Tate
Y Carter	Y Kemp	Y Thomas,D
Y Chance	Y Me V Bremen	Y Thomas,R
Y Chapman	Y Miles	Y Thompson,C
Y Douglas	Y Moody	Y Thompson,S
Y Fort	Y Mullis	E Tolleson
Y Goggans	Y Pearson	Y Unterman
Y Golden	Y Powell	Y Walker
Y Grant	Y Reed	Y Weber

Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 53, nays 0.

SB 209, having received the requisite constitutional majority, was passed.

Senator Smith of the 52nd asked unanimous consent that Senator Johnson of the 1st be excused. The consent was granted, and Senator Johnson was excused.

Senator Seabaugh of the 28th asked unanimous consent that Senator Shafer of the 48th be excused. The consent was granted, and Senator Shafer was excused.

SB 91. By Senators Adelman of the 42nd and Williams of the 19th:

A BILL to be entitled an Act to amend Part 1A of Article 2 of Chapter 5 of Title 46 of the O.C.G.A., relating to the telephone system for the physically impaired, so as to provide for the establishment of a state-wide telecommunication system capable of providing audible universal information access services to blind and print disabled citizens; to authorize the Public Service Commission to contract for the administration and operation of such system; to provide for the use of a portion of the monthly maintenance surcharge to be used to fund such system; to provide for immunity for the commission and for the providers of such system; to set a date for the beginning operation of such system; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
Y Brown	E Hooks	Y Staton
E Bulloch	Y Hudgens	Y Stephens
Y Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	Y Tate
Y Carter	Y Kemp	Thomas,D
Y Chance	Y Me V Bremen	Y Thomas,R

Y Chapman	Y Miles	Y Thompson,C
Y Douglas	Y Moody	Y Thompson,S
Y Fort	Mullis	E Tolleson
Y Goggans	Y Pearson	Y Unterman
Y Golden	Y Powell	Y Walker
Y Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 51, nays 0.

SB 91, having received the requisite constitutional majority, was passed.

Senator Mullis of the 53rd asked unanimous consent that Senator Cagle of the 49th be excused. The consent was granted, and Senator Cagle was excused.

SB 158. By Senators Whitehead, Sr. of the 24th, Chapman of the 3rd, Grant of the 25th, Seabaugh of the 28th, Chance of the 16th and others:

A BILL to be entitled an Act to amend Title 50 of the Official Code of Georgia Annotated, relating to state government, so as to provide for the comprehensive revision of provisions regarding state property; to provide for consolidation and effective management of the rental of administrative space and the acquisition, use, and disposition of real property by the state and state authorities; to repeal Article 2 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated, the "State Space Management Act of 1976"; to repeal Article 6 of Chapter 9 of Title 50 of the Official Code of Georgia Annotated, relating to inventory of state buildings; to amend Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations, so as to repeal certain provisions regarding the lease of property; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The Senate State Institutions and Property Committee offered the following amendment:

Amend SB 158 by inserting between "property;" and "to" on line 22 of page 1 the following:

"to amend Code Section 50-16-43 of the Official Code of Georgia Annotated, relating to leasing of state owned lands, so as to change a cross-reference;"

By striking from lines 34 and 35 of page 15 the following:

"or resolution of the General Assembly, all state ~~agencies~~ entities shall acquire real property through the commission."

and inserting in it place the following:

"or resolution of the General Assembly, and except as otherwise provided by law, and except as otherwise required by the nature of the transaction conveying real property to the state or any entity thereof:

(1) All ~~all~~ state ~~agencies~~ entities shall acquire real property through the commission; and

(2) The title to all real property acquired shall be in the name of the state; but the conveyance shall have written or printed in the upper right-hand corner of the initial page thereof the name of the state entity for which acquired who is the custodian thereof."

By striking from lines 30 through 35 of page 21 the following:

"(1) Except as otherwise provided by law and except as otherwise required by the nature of the transaction conveying real property to the state or any ~~department thereof~~ state entity, the title to all real property acquired shall be in the name of the state; but the conveyance shall have written or printed thereon in the upper right-hand corner of the initial page thereof the name of the ~~department~~ state entity for which acquired who is the custodian thereof;"

and inserting in its place the following:

~~"(1) Except as otherwise provided by law and except as otherwise required by the nature of the transaction conveying real property to the state or any department thereof, the title to all real property acquired shall be in the name of the state; but the conveyance shall have written or printed thereon in the upper right hand corner of the initial page thereof the name of the department for which acquired who is the custodian thereof;"~~

By striking "(2)" and inserting in its place "(2) (1)" on line 1 of page 22.

By striking "department" and inserting in its place "~~department~~ state entity" on line 12 of page 22.

By striking "(3)" and inserting in its place "~~(3)~~(2)" on line 14 of page 22.

By striking "department" and inserting in its place "~~department~~ state entity" on line 26 of page 22.

By striking "(4)" and inserting in its place "~~(4)~~(3)" on line 28 of page 22.

By striking "(5)" and inserting in its place "~~(5)~~(4)" on line 14 of page 23.

By adding at the end of page 24 the following:

"SECTION 16A.

Code Section 50-16-43 of the Official Code of Georgia Annotated, relating to leasing of state owned lands, is amended by striking paragraph (1) of subsection (j) and inserting in its place a new paragraph (1) to read as follows:

'(1) A written request for a lease and a locational, dimensional, and directional sketch or a plat of survey of the proposed lease premises, prepared at the sole cost and expense of the person requesting the lease, in form and content acceptable to and approved by the commission, and showing and describing thereon the lease premises of the lease, must be received by the commission detailing therein the reason and all the particulars for the request and outlining the purpose and use to be made of any and all products derived from such dredging. If a sketch is submitted to and is approved and accepted by the commission, paragraph ~~(4)~~ (3) of subsection (b) of Code Section 50-16-122, relating to the requirement of the filing with the Secretary of State of a plat of survey with a conveyance disposing of real property, shall be relaxed; and the Secretary of State in such a transaction shall accept in lieu of the required plat of survey the sketch which was approved and accepted by the commission;'"

On the adoption of the amendment, the yeas were 36, nays 1, and the committee amendment was adopted.

The report of the committee, which was favorable to the passage of the bill as amended, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
Brown	E Hooks	Y Staton
E Bulloch	Y Hudgens	Y Stephens
Butler	Y Johnson	Y Stoner
E Cagle	Y Jones	Y Tate
Y Carter	Y Kemp	Y Thomas,D
Y Chance	Y Me V Bremen	Y Thomas,R
Y Chapman	Y Miles	Y Thompson,C
Y Douglas	Y Moody	Y Thompson,S
Y Fort	Y Mullis	E Tolleson
Y Goggans	Y Pearson	Y Unterman
Y Golden	Y Powell	Walker
Y Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles

Y Harp
Y Heath
Y Henson

Y Seabaugh
Y Seay
E Shafer,D

Y Williams
Y Zamarripa

On the passage of the bill, the yeas were 48, nays 0.

SB 158, having received the requisite constitutional majority, was passed as amended.

Senator Stoner of the 6th asked unanimous consent that Senator Golden of the 8th be excused. The consent was granted, and Senator Golden was excused.

SB 119. By Senators Chapman of the 3rd, Thomas of the 2nd, Johnson of the 1st, Tolleson of the 20th and Hill of the 4th:

A BILL to be entitled an Act to amend Code Section 27-4-150 of the Official Code of Georgia, relating to taking, possessing, and dealing in crabs and peelers and related record requirements, so as to postpone the date of an automatic repeal of certain provisions related to sponge crabs; to provide an effective date; to repeal conflicting laws; and for other purposes.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman
Y Balfour
Y Brown
E Bulloch
Y Butler
E Cagle
Y Carter
Y Chance
Y Chapman
Y Douglas
Fort
Y Goggans
E Golden
Y Grant
Y Hamrick
Y Harbison

Y Hill,Jack
Y Hill,Judson
E Hooks
Y Hudgens
Y Johnson
Y Jones
Y Kemp
Y Me V Bremen
Y Miles
Y Moody
Y Mullis
Y Pearson
Y Powell
Y Reed
Y Rogers
Y Schaefer

Y Smith
Y Starr
Y Staton
Y Stephens
Y Stoner
Y Tate
Y Thomas,D
Y Thomas,R
Y Thompson,C
Y Thompson,S
E Tolleson
Y Unterman
Y Walker
Y Weber
Y Whitehead
Y Wiles

Y Harp
Y Heath
Y Henson

Y Seabaugh
Y Seay
E Shafer,D

Y Williams
Y Zamarripa

On the passage of the bill, the yeas were 49, nays 0.

SB 119, having received the requisite constitutional majority, was passed.

SB 210. By Senators Stoner of the 6th, Hill of the 32nd, Shafer of the 48th and Butler of the 55th:

A BILL to be entitled an Act to amend Chapter 2 of Title 46 of the Official Code of Georgia Annotated, relating to the Public Service Commission, so as to provide for superior court filing of certain commission orders; to provide for venue, judgment, and effect of judgment; to repeal conflicting laws, and for other purposes.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman
Y Balfour
Y Brown
E Bulloch
Y Butler
E Cagle
Y Carter
Y Chance
Y Chapman
Y Douglas
Y Fort
Y Goggans
E Golden
Y Grant
Y Hamrick
Y Harbison
Y Harp
Y Heath
Y Henson

Y Hill,Jack
Y Hill,Judson
E Hooks
Y Hudgens
Y Johnson
Y Jones
Y Kemp
Y Me V Bremen
Y Miles
Y Moody
Y Mullis
Y Pearson
Y Powell
Y Reed
Y Rogers
Y Schaefer
Y Seabaugh
Seay
E Shafer,D

Y Smith
Y Starr
Y Staton
Y Stephens
Y Stoner
Y Tate
Y Thomas,D
Y Thomas,R
Y Thompson,C
Y Thompson,S
E Tolleson
Y Unterman
Y Walker
Y Weber
Y Whitehead
Y Wiles
Y Williams
Y Zamarripa

On the passage of the bill, the yeas were 49, nays 0.

SB 210, having received the requisite constitutional majority, was passed.

SB 64. By Senator Douglas of the 17th:

A BILL to be entitled an Act to amend Code Section 40-1-7 of the Official Code of Georgia Annotated, relating to the requirement that officers enforcing traffic laws have a blue light on the roof of their vehicles, so as to repeal the requirement that officers enforcing traffic laws have a blue light on the roof of their vehicles; to provide an effective date; to repeal conflicting laws; and for other purposes.

The Senate Public Safety and Homeland Security Committee offered the following substitute to SB 64:

A BILL TO BE ENTITLED
AN ACT

To amend Chapters 1 and 8 of Title 40 of the Official Code of Georgia Annotated, relating to general provisions relative to motor vehicles and traffic, and equipment of motor vehicles, respectively, so as to repeal the requirement that officers enforcing traffic laws have a blue light on the roof of their vehicles; to provide that motor vehicles used by employees of the Department of Public Safety for enforcing the traffic laws shall be equipped with one or more colored lights on the vehicle visible for a specified distance; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 1 of Title 40 of the Official Code of Georgia Annotated, relating to general provisions relative to motor vehicles and traffic, is amended by striking Code Section 40-1-7, relating to the placement of blue lights on the roof of traffic law enforcement vehicles, in its entirety and inserting in lieu thereof the following:

"40-1-7.

~~Whenever pursuing a person in violation of a traffic-related offense, a uniformed law enforcement officer who is assigned routinely or primarily to traffic law enforcement or other traffic safety duties on the roadways or highways of this state must place a visible blue light on the roof of his or her vehicle if such vehicle is not equipped with permanent roof mount blue lights; provided, however, that the provisions of this Code section shall not apply to law enforcement officers operating vehicles manufactured prior to 2001. This Code section shall not apply to any officer assigned to special operations activities or responding to an immediate threat to public safety as a result of an accident or other emergency. An otherwise lawful arrest shall not be invalidated or in any manner affected by failure to comply with this Code section~~ Reserved."

SECTION 2.

Chapter 8 of Title 40 of the Official Code of Georgia Annotated, relating to equipment of motor vehicles, is amended by striking Code Section 40-8-91, relating to the marking and equipment of law enforcement vehicles, in its entirety and by replacing the same as follows:

"40-8-91.

(a) Except as provided in subsection (b) of this Code section, any motor vehicle ~~which is~~ used on official business by any person authorized to make arrests for traffic violations in this state, or any municipality or county thereof, shall be distinctly marked on each side and the back with the name of the agency responsible therefor, in letters not less than four inches in height.

(b) Any motor vehicle, except as hereinafter provided in this subsection, used by any employee of the Department of Public Safety for the purpose of enforcing the traffic laws of this state shall be distinctly painted, marked, and equipped in such manner as shall be prescribed by the commissioner of public safety pursuant to this Code section. The commissioner in prescribing the manner in which such vehicles shall be painted, marked, or equipped shall:

(1) Require that all such motor vehicles be painted in a two-toned uniform color. The hood, top, and the top area not to exceed 12 inches below the bottom of the window opening thereof shall be a light gray color and the remaining portion of said motor vehicle shall be painted a dark blue color;

(2) Require that any such motor vehicle be equipped with ~~at least one lamp~~ one or more lamps which when lighted shall display a flashing or revolving colored light or lights visible under normal atmospheric conditions for a distance of 500 feet from the front and rear of such vehicle; and

(3) Require that any such motor vehicle shall be distinctly marked on each side and the back thereof with the wording 'State Patrol' in letters not less than six inches in height of a contrasting color from the background color of the motor vehicle.

Notwithstanding the above provisions, it shall be permissible for the commissioner to allow not more than two motor vehicles per State Patrol post to be employed in traffic law enforcement which are painted any solid color designated by the commissioner and marked with 'State Patrol' in six inch high letters of a contrasting color.

(c) It shall be unlawful for any person, except persons lawfully entitled to own vehicles for law enforcement purposes, to paint, mark, or equip any motor vehicle in the same manner prescribed by this Code section or by the commissioner for law enforcement vehicles.

(d) When a law enforcement vehicle is disposed of, or is not in use for law enforcement, the lettering and colored lights must be removed. Any person using such vehicle for personal use prior to removing colored lights and lettering shall be guilty of a misdemeanor."

SECTION 3.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

Senator Douglas of the 17th asked unanimous consent that SB 64 be placed on the Table. The consent was granted, and SB 64 was placed on the Table.

Senator Smith of the 52nd asked unanimous consent that the Order of Business be changed to allow a committee report to be read on SB 94.

The consent was granted and the Order of Business was changed.

The following committee report was read by the Secretary:

Mr. President:

The Judiciary Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 94 Do Pass

Respectfully submitted,
Senator Smith of the 52nd District, Chairman

Senator Stephens of the 27th moved that the Senate adjourn until 9:00 a.m. Thursday, March 3, 2005.

The motion prevailed, and the President announced the Senate adjourned at 4:04 p.m.